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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of

Nobuo FUJITA et al.

Group Art Unit: 1745

Application No.: 09/397,287

Examiner: G. Cantelmo

Filed: September 16, 1999

Docket No.: 103801

For: HYDROGEN ABSORBING TANK APPARATUS

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the June 5, 2003 Restriction Requirement, Applicants hereby elect Group I, claims 1-3, 9, 14-16 and 22. The election is made with traverse.

The Restriction Requirement did not reference claims 10-13. Applicants respectfully submit that claims 10-13 also belong in elected Group I.

In addition, because the claims from Group II, i.e., claims 4-8 and 17-21, depend from elected claims 1 and 14, respectively, Applicants submit that claims 4-8 and 17-21 should be rejoined and allowed when claims 1 and 14 are allowed. See, for example, MPEP 821.04.

Furthermore, it is respectfully submitted that the subject matter of all pending claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the examiner must

examine it on the merits, even though it includes claims to independent or distinct inventions". It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

The Examiner also is requested to consider the references submitted with the Information Disclosure Statements that were filed on September 16, 1999 and December 4, 2000.

Respectfully submitted,



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JAO:MAC/ccs

Date: July 3, 2003

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